

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14638, of William E. Brock, pursuant to Section 3107.2 of the Zoning Regulations, for variances from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (Section 2001.3a), the lot occupancy requirements (Section 403.2), the height and story limitations for an accessory structure, second story to be used as a dwelling unit (Section 2500.4) for a second-story addition to an existing garage in an R-3 District at premises 2230 Q Street, N.W., (Square 2510, Lot 36).

HEARING DATE: July 22, 1987
DECISION DATE: September 2, 1987

FINDINGS OF FACT:

1. The subject property is located on the south side of Q Street, N.W., between 22nd Street and the Rock Creek Parkway. The address is 2230 Q Street, N.W.
2. The subject property is a 2,430 square foot rectangular lot having a depth of 135 feet and a width of 18 feet. A three-story residential rowhouse with an English basement and a single-story accessory garage occupy 1,563 square feet of the lot. The garage is 18 feet 4 inches wide, 21 feet 4 inches deep. The garage roof slopes from a height of 12 feet at the alley to 8 feet 8 inches at the rear yard.
3. The subject lot is located in an R-3 District which extends no further than the perimeter of the square. The lot is across Q Street from a D/R-3 District and is half a block west of a C-2-A District and a C-2-C District. The property abuts the northern edge of Rock Creek Park, which is not zoned.
4. Most of the buildings in the square are single-family residences. Rowhouses occupy the adjacent lots east (2228 Q Street, N.W.) and west (2236 Q Street, N.W.) of the subject property. A five-story, twenty-unit apartment building is located two lots east of the subject property at 2222 Q Street, N.W.
5. The applicant intends to construct bedroom and bath above the accessory garage. The completed structure would have the same depth and width as the present structure, but would have a crown roof with a height of 25 feet.

The applicant's architect testified that the height could be reduced to 15 feet by using a sloping roof and eliminating unnecessary storage space.

6. The rowhouse has two large bedrooms which are presently occupied by the applicant, his wife, and their two daughters. The applicant's two sons sleep in the basement, but would move into the addition when it is completed. The Board notes that the applicant also requires a variance from the strict application of 11 DCMR 2500.5, which prohibits the second floor of an accessory garage from being used for living space unless it is to be occupied by domestic employees and is located in an R-1-A or an R-1-B District.

8. The size, shape and topography of the lot is similar to that of other lots in the neighborhood. No exceptional circumstance exists which would distinguish the lot from others in the neighborhood.

9. The applicant had four children when he purchased the property. The applicant filed the subject application approximately four months after purchasing the property.

10. The proposed addition would block much of the direct sunlight from reaching the garden and rear yard at 2228 Q Street, N.W. The addition would also permit its occupants to see into neighboring rowhouses and would obstruct the view of Rock Creek Park from the rear of 2228 Q Street, N.W.

11. The proposed addition would be approximately 24 feet from the western wall of the apartment at 2222 Q Street, N.W. The first floor windows on this side of the building are roughly 5 feet from the ground and 3 feet from the 9 foot fence which separates 2222 and 2228 Q Street, N.W. The proposed addition would prevent much light and air from reaching the first and second floor apartments and the west side of the building and would obstruct the tenant's view of Rock Creek Park.

12. The subject property is in the jurisdiction of Advisory Neighborhood Commission (ANC) 1D and adjacent to those of ANC 2C and 2B. ANC 1D, 2C and 2B were notified of the hearing by mail, but failed to file a written statement of issues and concerns or appear at the public hearing. A number of neighbors, including a representative of the Residential Action Coalition appeared at the hearing and wrote letters to express their opposition to the proposed addition. The residents expressed their concern that the addition would significantly reduce the light, air, and privacy they presently enjoy. The Board concurs with this view. Two residents wrote to the Board to express support for the applicant's proposal on the basis that the addition would have no impact on light or air. The Board does not agree.

13. The Office of Planning (OP) did not submit a prehearing report on the applicant's proposal.

CONCLUSIONS OF LAW AND OPINION:

The applicant is seeking variances from the strict application of Paragraph 2001.3(a), which prohibits additions to structures which exceed permitted lot occupancy; and Sub-section 2500.4 which establishes height and story restrictions for accessory structures. To qualify for relief pursuant to Sub-section 3107.2, the applicant must show that he suffers undue hardship due to the extraordinary condition of the subject property and the strict application of the Zoning Regulations. The applicant must also show that relief can be granted without substantially impairing the public good or the intent, purpose, and integrity of the zone plan.

Based on the Foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant does not meet the requirements of Sub-section 3107.2. The applicant has failed to show that the subject property suffers from an exceptional condition which is responsible for the applicant's hardship. The Board also concludes that the addition would impair the public good and intent, purpose, and integrity of the zone plan by substantially reducing the light and privacy enjoyed by the applicants neighbors. It is therefore ORDERED that the application is DENIED.

VOTE: 5-0 (William F. McIntosh, Carrie L. Thornhill,
Paula L. Jewell and Charles R. Norris to
deny; John G. Parsons to deny by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

OCT 28 1988

FINAL DATE OF ORDER: _____

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14638

As Acting Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a copy of the Order of the Board in the above numbered case, said Order dated OCT 23 1968, has been mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Catherine McCarron
Residential Action Coalition
1312 21st St., NW
Washington, DC 20036


Ms. G.T. Hill
2405 Eye St., N.W., Ste. 8A
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Jean Lindley, Chairperson
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Martin J. Mesmer
1255 New Hampshire Ave., N.W.
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Norman Knopf
2033 M Street, N.W.
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EDWARD L. CURRY
Executive Director

DATE: OCT 28 1968